

DOCKET NO. D-2009-038 CP-3

DELAWARE RIVER BASIN COMMISSION

Discharge to a Tributary of Special Protection Waters

**Beaver Lake Estates
Wastewater Treatment Plant
Town of Thompson, Sullivan County, New York**

PROCEEDINGS

This docket is issued in response to an application submitted to the Delaware River Basin Commission (DRBC or Commission) on March 21, 2019 (Application) for renewal of the docket holder's existing wastewater treatment plant (WWTP) and its discharge. State Pollutant Discharge Elimination System (SPDES) Permit No. NY0145734 for this discharge was issued by the New York State Department of Environmental Conservation (NYSDEC), effective date March 1, 2015.

The application was reviewed for continuation of the project in the Comprehensive Plan and approval under Section 3.8 of the Delaware River Basin Compact. The Sullivan County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on August 12, 2020.

A. DESCRIPTION

- 1. Purpose.** The purpose of this docket is to renew approval of the docket holder's existing 0.14 million gallon per day (mgd) WWTP and its discharge.
- 2. Location.** The docket holder's WWTP is located at the Beaver Lakes Estates residential development, located off of Southwoods Drive in the Town of Thompson, Sullivan County, New York. The WWTP will continue to discharge treated effluent to an unnamed tributary (UNT) to Barnum Brook at River Mile 253.6 – 25.2 – 2.0 – 1.1 (Delaware River – Neversink River – Barnum Brook - UNT Barnum Brook) and is located in the drainage area to the Middle Delaware Special Protection Waters (SPW).

The WWTP outfall is located in the Neversink River Watershed as follows:

OUTFALL NO.	LATITUDE (N)	LONGITUDE (W)
001	41° 37' 33"	74° 39' 30"

- 3. Area Served.** The docket holder's WWTP will continue to serve the Beaver Lakes Estates residential development located in the Town of Thompson, Sullivan County, New York.

For the purpose of defining the Area Served, Section B (Type of Discharge) and D (Service Area) of the docket holder's Application are incorporated herein by reference, to the extent consistent with all other conditions contained in the DECISION Section of this docket.

4. **Design Criteria.** The docket holder's 0.14 mgd WWTP utilizes a rotating biological contactor (RBC) treatment system with filtration and ultraviolet light (UV) disinfection.

5. **Facilities.** The WWTP facilities consist of an influent equalization tank, a flow distribution chamber, 2 RBCs, 2 clarifiers, 2 micro screen drum filters, 3 sludge holding tanks, 2 UV disinfection units, and a post aeration/equalization tank.

The docket holder's wastewater treatment facility discharges to waters classified as SPW and is required to have available standby power. The existing WWTP has a generator available capable of providing standby power.

The docket holder's WWTP is not staffed 24 hours per day and shall have a remote alarm system that continuously monitors plant operations in accordance with the Commission's SPW requirements. The docket holder's WWTP has a remote alarm system that continuously monitors plant operations.

The docket holder has prepared and implemented an emergency management plan (EMP) for the existing WWTP in accordance with Commission SPW requirements.

The project facilities are not located in the 100-year floodplain.

Wasted sludge is hauled off-site for disposal.

6. **Water Withdrawals.** The potable water supply in the project service area is provided by groundwater wells owned and operated by the docket holder. The wells are operated at a withdrawal rate below the DRBC groundwater withdrawal review threshold and are not subject to Commission review and approval.

7. **SPDES Permit / DRBC Effluent Requirements.** SPDES Permit No. NY0145734 was issued by the NYSDEC, effective date March 1, 2015, and includes final effluent limitations for the project discharge to surface waters classified by the NYSDEC as Class B(T) or a trout stream with swimming, recreational, and fishing uses. EFFLUENT TABLES C-1 & C2 included in the DECISION section of this docket contain effluent requirements for DRBC parameters that must be met as a condition of this approval (See DECISION Condition C.1.). Effluent requirements for Outfall No. 001 are based on a discharge rate of 0.14 mgd.

B. FINDINGS

The docket holder submitted an application for approval of their existing 0.14 mgd WWTP and its discharge.

1. Special Protection Waters

In 1992, the DRBC adopted SPW requirements, as part of the DRBC *Water Quality Regulations (WQR)*, designed to protect existing high water quality in applicable areas of the Delaware River Basin. One hundred twenty miles of the Delaware River from Hancock, New York downstream to the Delaware Water Gap has been classified by the DRBC as SPW. This stretch includes the sections of the river federally designated as "Wild and Scenic" in 1978 -- the Upper Delaware Scenic and Recreational River and the Delaware Water Gap National Recreation Area -- as well as an eight-mile reach between Milrift and Milford, Pennsylvania which is not federally designated. The SPW regulations apply to this 120-mile stretch of the river and its drainage area.

On July 16, 2008, the DRBC approved amendments to its *WQR* that provide increased protection for waters that the Commission classifies as SPW. The portion of the Delaware River and its tributaries within the boundary of the Lower Delaware River Management Plan Area was approved for SPW designation and clarity on definitions and terms were updated for the entire program.

The docket holder's WWTP discharges to the drainage area to the Middle Delaware SPW. The docket holder's WWTP discharge is required to comply with the SPW requirements, as outlined in Article 3.10.3A.2. of the *WQR*.

Article 3.10.3A.2.e.1). and 2). of the Commission's *WQR* states that projects subject to review under Section 3.8 of the Compact that are located in the drainage area of SPW must submit for approval a Non-Point Source Pollution Control Plan (NPSPCP) that controls the new or increased non-point source loads generated within the portion of the docket holder's service area which is also located within the drainage area of SPW. The service area of the docket holder is located in the drainage area to the SPW. Since this project does not entail additional construction and expansion of facilities/service area and there are no new or increased non-point source loads associated with this approval, the NPSPCP requirement is not applicable at this time. Accordingly, DECISION Condition C.3. has been included in this docket.

2. Other

At the WWTP discharge location, UNT Burnam Creek has an estimated seven-day low flow with a recurrence interval of ten years (Q_{7-10}) of less than 0.1 cubic feet per second (cfs) and therefore is classified by the Commission as an intermittent stream.

The nearest surface water intake of record for public water supply is located on the Delaware River approximately 100 River Miles downstream of the docket holder's WWTP and is operated by the City of Easton.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

The effluent limits in the SPDES Permit are in compliance with Commission effluent quality requirements, where applicable.

The project is designed to produce a discharge meeting the effluent requirements as set forth in the Commission's *Water Quality Regulations (WQR)*.

C. DECISION

Effective on the approval date for Docket No. D-2009-038 CP-3 below, the project described in Docket No. D-2009-038 CP-2 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-2009-038 CP-3; Docket No. D-2009-038 CP-2 is terminated and replaced by Docket No. 2009-038 CP-3; and the project and the appurtenant facilities described in Section A "DESCRIPTION" of this docket shall be continued in the Comprehensive Plan. The project and appurtenant facilities as described in Section A of this docket are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

Monitoring and Reporting

1. The docket holder shall comply with the requirements contained in the EFFLUENT TABLES below. The docket holder shall submit the required monitoring results electronically to the DRBC Project Review Section via email aemr@drbc.gov on the **Annual Effluent Monitoring Report Form** located at this web address: <https://www.nj.gov/drbc/programs/project/docket-app-info.html#3>. The monitoring results shall be submitted annually, absent any observed limit violations, by January 31. If a DRBC effluent limit is violated, the docket holder shall submit the result(s) to the DRBC within 30 days of the violation(s) and provide a written explanation that states the action(s) the docket holder has taken to correct the violation(s) and protect against any future violations. The following average monthly effluent limits are among those listed in the SPDES Permit and meet or are more stringent than the effluent requirements of the DRBC.

EFFLUENT TABLE C-1: DRBC Parameters Included in SPDES Permit

OUTFALL 001 (UNT Burnam Creek)		
PARAMETER	LIMIT	MONITORING
pH (Standard Units)	6.5 to 8.5	As required by SPDES Permit
Total Suspended Solids	10 mg/l (daily maximum) 11.7 lbs/day (daily maximum)	As required by SPDES Permit
BOD ₅ (at 20° C)	5.0 mg/l (daily maximum) 5.8 lbs/day (daily maximum) 85% Minimum Removal	As required by SPDES Permit

OUTFALL 001 (UNT Burnam Creek)		
PARAMETER	LIMIT	MONITORING
Ammonia Nitrogen (6-1 to 10-31) (11-1 to 5-31)	1.1 mg/l 2.2 mg/l	As required by SPDES Permit
Dissolved Oxygen	7.0 mg/l (Daily Minimum)	As required by SPDES Permit
Fecal Coliform (5-15 to 10-15)	200 colonies per 100 ml as a geo. avg.	As required by SPDES Permit
Total Phosphorous	0.5 mg/l	As required by SPDES Permit

The following effluent monitoring requirements are for DRBC parameters not listed in the SPDES Permit.

EFFLUENT TABLE C-2: DRBC Requirements Not Included in SPDES Permit

OUTFALL 001 (UNT Burnam Creek)		
PARAMETER	LIMIT	MONITORING
Ammonia Nitrogen (6-1 to 10-31) (11-1 to 5-31)	1.285 lbs/day 2.57 lbs/day	Monthly
CBOD ₅ (at 20° C) Influent	Monitor & Report	Monthly
Total Phosphorous	0.58 lbs/day	Monthly
Total Kjeldahl Nitrogen	6.13 lbs/day	Monthly
Nitrate + Nitrite as N	4.38 lbs/day	Monthly
Total Dissolved Solids*	1,000 mg/l	Quarterly

* See DECISION Condition C.6.

Other Conditions

2. Nothing in this docket constitutes a defense to any penalty action for past conduct of the docket holder or ongoing activity not authorized by this approval. In particular, renewal of this docket does not resolve violations – whether in the past or continuing – of provisions of the Delaware River Basin Compact (“Compact”) or any rule, regulation, order or approval duly issued by the Commission or the Executive Director pursuant to the Compact. The Commission reserves its right to take appropriate enforcement action against the docket holder, including but not limited to recovery of financial penalties consistent with Section 14.17 of the Compact, for any and all such prior or continuing violations.

3. Prior to allowing connections from any new service areas or any new developments, the docket holder shall either submit and have approved by the Executive Director of the DRBC a NPSPCP in accordance with Section 3.10.3.A.2.e or receive written confirmation from the Executive Director of the DRBC that the new service area is in compliance with a DRBC-approved NPSPCP

4. Prior to the docket holder initiating any substantial alterations or additions to the existing WWTP as defined in Section 3.10.3A2.a.16) of the Commission’s *WQR*, an application must be submitted and approved by the Commission. Such an application shall be submitted prior to final design to ensure that the Commission can provide the docket holder with draft effluent limitations

for SPW specific parameters as guidance for design as to not require duplication of work or cause a substantial expenditure of public funds without Commission approval. The docket holder is encouraged to contact the Commission staff during the planning stages to identify the potential effluent limitations required to meet the no measurable change parameters under SPW.

5. Except as otherwise authorized by this docket, if the docket holder seeks relief from any limitation based upon a DRBC water quality standard or minimum treatment requirement, the docket holder shall apply for approval from the Executive Director or for a docket revision in accordance with Section 3.8 of the *Compact* and the *Rules of Practice and Procedure*.

6. The docket holder may request of the Executive Director in writing the substitution of specific conductance for TDS. The request should include information that supports the effluent specific correlation between TDS and specific conductance. Upon review, the Executive Director may modify the docket to allow the substitution of specific conductance for TDS monitoring.

7. The docket holder is responsible for timely submittal to the DRBC of a docket renewal application on the appropriate application form including the appropriate docket application filing fee (see 18 CFR 401.43) at least 6 months in advance of the docket expiration date set forth below. The docket holder will be subject to late filed renewal surcharges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below, the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

8. The docket holder is permitted to treat and discharge wastewater as set forth in the Area Served Section of this docket, which incorporates by reference Sections B (Type of Discharge) and D (Service Area) of the docket holder's Application to the extent consistent with all other conditions of this DECISION Section.

9. The docket holder is prohibited from treating/pre-treating any hydraulic fracturing wastewater from sources in or out of the Basin at this time. Should the docket holder wish to treat/pre-treat hydraulic fracturing wastewater in the future, the docket holder will need to first apply to the Commission to renew this docket and be issued a revised docket allowing such treatment and an expanded service area. Failure to obtain this approval prior to treatment/pre-treatment will result in action by the Commission.

10. The facility and operational records shall be available at all times for inspection by the DRBC.

11. The facility shall be operated at all times to comply with the requirements of the Commission's *WQR*.

12. If at any time the receiving treatment plant proves unable to produce an effluent that is consistent with the requirements of this docket approval, no further connections shall be permitted until the deficiency is remedied.

- 13.** Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.
- 14.** The docket holder shall discharge wastewater in such a manner as to avoid injury or damage to fish or wildlife and shall avoid any injury to public or private property.
- 15.** No sewer service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).
- 16.** The issuance of this docket approval shall not create any private or proprietary rights in the waters of the Basin, and the Commission reserves the right to amend, suspend or rescind the docket for cause, in order to ensure proper control, use and management of the water resources of the Basin.
- 17.** The docket holder shall be subject to applicable DRBC regulatory program fees, in accordance with duly adopted DRBC resolutions and/or regulations (see 18 CFR 401.43).
- 18.** This approval is transferable by request to the DRBC Executive Director provided that the project purpose and area served approved by the Commission in this docket will not be materially altered because of the change in project ownership. The request shall be submitted on the appropriate form and be accompanied by the appropriate fee (see 18 CFR 401.43).
- 19.** The docket holder shall request a name change of the entity to which this approval is issued if the name of the entity to which this approval is issued changes its name. The request for name change shall be submitted on the appropriate form and be accompanied by the appropriate fee (see 18 CFR 401.43).
- 20.** The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.
- 21.** Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the Rules of Practice and Procedure. In accordance with Section 15.1(p) of the *Delaware River Basin Compact*, cases and controversies arising under the *Compact* are reviewable in the United States district courts.

BY THE COMMISSION

APPROVAL DATE: September 10, 2020

EXPIRATION DATE: February 28, 2025